(SRI M. C. ANJANEYA REDDY.)

(*b*) when was the estimate for restoring the tank prepared ;

(*c*) the reasons for not restoring this tank so far ?

A.—**Sri Kadidal MANJAPPA** (Minister for Revenue and Public Works).—

(*a*) About 50.

(*b*) First in 1912 and more recently in 1936.

(*c*) The Jodidar did not furnish the necessary security for the work sanctioned to him by Government in 1936 towards his share of cost. He has recently made a representation in the matter himself and necessary action is being taken thereon.

Mr. SPEAKER.—Shall we take up the amendments to the Inam Bill ?

Sri Kadidal MANJAPPA.—Yes, Sir.

LEGISLATIVE BUSINESS

MYSORE (PERSONAL AND MISCELLANEOUS) INAMS ABOLITION BILL, 1953.—(*Contd.*).

Mr. SPEAKER.—Clause 2.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—Sir, I beg to move the following amendment :—

'That in Clause 2—(1) Renumber the existing clause as sub-clause (1) and in that sub-clause in item (12), omit the words commencing from 'and includes a person' to the end of the item and the explanation ;

(2) Renumber item (14) as item (15), and before the item as so renumbered insert the following item :—

"(14) 'quasi-permanent tenant' means a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period not less than six years prior to the first day of July 1948 ;

Explanation.—A person who under the terms of a contract—

(i) is entitled to grow subsidiary or ground crops on land on which areca, cocoanut or mango trees are grown ;

(ii) only for care or maintenance of areca, cocoanut or mango trees, is put in possession of the land on which the said trees are to be or are grown ;

(iii) for raising, care or maintenance of casuarina trees is put in possession of the land on which the said trees are to be or are grown ; shall not be deemed to be a quasi-permanent tenant in respect of such land."

After the said sub-clause (1), add the following sub-clause, namely :—

"(2) 'land revenue' for purpose of determining the premium payable by a permanent tenant and a quasi-permanent tenant under sections 5 and 6, and the compensation payable to the inamdar under section 16, means the amount payable as land revenue for the land during the revenue year 1953-54.

Explanation.—In the case of an inam village to which survey and settlement has not been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village during the revenue year 1953-54, shall be deemed to be the land revenue of the land for purposes of this sub-section'."

Sir, in course of the debate, many Hon'ble Members objected to the deletion of the definition of "quasi-permanent tenant." I have already explained under what circumstances the Select Committee changed the definition of the permanent tenant. In accordance with the wishes of the majority of the Members who spoke on the Bill, I have moved this amendment.

Mr. SPEAKER.—Amendment moved :

'That in clause 2—(1) Renumber the existing clause as sub-clause (1) and in that sub-clause in item (12), omit the words commencing

from " and includes a person " to the end of the item and the explanation ;

(2) Renumber item (14) as item (15), and before the item as so renumbered insert the following item :—

" (14) ' quasi-permanent tenant' means a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period not less than six years prior to the first day of July, 1948 ;

Explanation.—A person who under the terms of a contract —

(i) is entitled to grow subsidiary or ground crops on land on which areca, coconut or mango trees are grown,

(ii) only for care or maintenance of areca, coconut or mango trees, is put in possession of the land on which the said trees are to be or are grown,

(iii) for raising, care or maintenance of casuarina trees is put in possession of the land on which the said trees are to be or are grown ; shall not be deemed to be a quasi-permanent tenant in respect of such land."

After the said sub-clause (1), add the following sub-clause, namely:—

" (2) ' land revenue ' for purposes of determining the premium payable by a permanent tenant and a quasi-permanent tenant under sections 5 and 6, and the compensation payable to the inamdar under section 16, means the amount payable as land revenue for the land during the revenue year 1953-54.

Explanation.—In the case of an inam village to which survey and settlement has not been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village during the revenue year 1953-54, shall be deemed to be the land revenue of the land for purposes of this sub-section ".'

There is an amendment to this amendment by Sri M. V. Rama Rao.

Sri M. V. RAMA RAO (Tumkur).—Sir, the amendment which has now been moved to clause 2 of the Bill as reported by the Select Committee by the Hon'ble the Revenue Minister seeks to make a change back to the provisions of the original Bill that went to the Select Committee where item 14, as renumbered in the amendment tabled by the Hon'ble the Minister contained the definition of the quasi-permanent tenant in a totally different form. And the present amendment makes several substantial changes, changes not merely in form but changes in substance as I shall be able to point out by an examination of the amendment itself.

Firstly, this amendment says: " 'quasi-permanent tenant' means a person who has been in continuous possession of any land used for agricultural purposes..." The original clause contained the definition (on page 4 of the original bill—item 14) ' quasi-permanent tenant means a person who has been in continuous possession of any land used for agricultural or horticultural purposes.' This latter expression has been omitted. That is one change. The other change contained in the amendment is the Explanation. The Explanation is the most important part of the change in the definition of the quasi-permanent tenant ; and I should like to know what are the special interests which are sought to be placated by the introduction of this new Explanation. This explanation says :

" A person, who under the terms of a contract—

(i) is entitled to grow subsidiary or ground crops on land on which areca, coconut or mango trees are grown,

(ii) only for care or maintenance of areca, coconut or mango trees, is put in possession of the land on which the said trees are to be or are grown,

(iii) for raising, care or maintenance of casuarina trees is put in possession of the land on which the said trees are to be or are grown ;

(SRI M. V. RAMA RAO.)

shall not be deemed to be a quasi-permanent tenant in respect of such land."

I should like to know why such a person should not be deemed to be a quasi-permanent tenant. What is the principle ? Is it because it is an arecanut garden ? Is it because it is a cocoanut garden ? Is it because that it is more valuable land than land on which food crops are grown ? Is that the principle ?

Sri Kadidal MANJAPPA.—If the Hon'ble Member is moving his amendment, in his amendment, these are not mentioned.

Sri M. V. RAMA RAO.—This amendment has been placed by the Hon'ble the Minister for Revenue before this House. I shall come to my amendment later unless, of course, there is a direction from the Chair that I should move my amendment and then speak on this amendment.

Mr. SPEAKER.—Your amendment will be to his amendment. Is it not ? That is an amendment to an amendment.

Sri M. V. RAMA RAO.—Since this amendment has come before the House, this House has an opportunity of examining this amendment. That is what I am proposing to do. If the moving of my amendment to this amendment is considered necessary by the Hon'ble the Minister for Revenue or by myself or by any other Hon'ble Member of this House, then, I shall certainly move my amendment.

What I want to know from the Hon'ble the Minister for Revenue is : this explanation which makes an exception in the case of a cocoanut garden, a mango garden, an arecanut garden and casuarina plantations, proceeds on the assumption that a cultivator who is in possession of land for raising a subsidiary crop on a land which is essentially garden land on which either arecanut or cocoanut or mango or casuarina is raised, should not be entitled to the benefits of the legislation that we have on the anvil of this House. I want to know why such a tenant should be deprived of the benefit of this legislation. What has he done that we should deal him in that manner ? The Hon'ble the Revenue Minister is, I take it, fully aware of the conditions prevailing in these regions where cocoanut is grown, where arecanut is grown, where mango gardens are raised and where casuarina plantations are raised. I take it that he is aware that if a person voluntarily or by necessity comes to raise a subsidiary crop on land which is already a garden, he does so because he has no other land. No other person would care to come and do it in a casuarina plantation or arecanut garden or cocoanut garden. The tenant who cultivates land for raising a subsidiary crop in a garden of this kind is a man who is really in a worse position than other tenants who cultivate land on which other crops are not raised. Therefore, I say, if there is a case, if there is a necessity for conferment of occupancy rights on tenant cultivators of land, there is certainly a stronger case and a greater necessity for conferring occupancy rights on cultivators of land on which these gardens have already been raised. What is the objection to the conferment of those occupancy rights ? Is it fear of deprivation for the vested rights in garden land ? If that is so, why is not the same concern shown towards the deprivation of lesser rights, which cost less ? My point is—once we concede the principle, why quarrel about the number of years and the kind of land he cultivates ? Give the land to the man who cultivates. Why should we not do it in one instalment ? I am not asking that we should do it outside the scope of this Bill, but within the scope of this Personal and Miscellaneous Inams Abolition Bill, let us confer the occupancy rights on tenant cultivators of land, whoever they may be. What prevents us from doing it ? I should like to know what is the case for not doing it. What is the special consideration that should prevail with regard to the land on which casuarina trees are raised or are to be raised ? Should the mere intention of raising a casurina plantation on a piece of land be sufficient to exempt the owner from the operation of this legislation, be

sufficient to prevent the tenant from being entitled to the benefits of this legislation? I ask—is that right? This is not the kind of thing that we, who are moved by genuine sympathy for the lot of landless cultivating tenant, should do. I therefore suggest to the Hon'ble the Revenue Minister even now, since he has taken the trouble to move this amendment which is a substantial variation of what is contained in the original Bill and is also a variation of what has been suggested by the Joint Select Committee.....

Sri Kadidal MANJAPPA.—That explanation was there in the Joint Select Committee Report.

Sri M. V. RAMA RAO.—Then he need not have moved this amendment.

Sri Kadidal MANJAPPA.—That is only on account of adjustment.

Sri M. V. RAMA RAO.—By this amendment, the quasi-permanent tenant is relegated back to the old position from which this Joint Select Committee took a stride forward. I think if we are clear in our mind as to what we want to do, there cannot be any confusion in regard to the direction in which we want to proceed. Let us not beguile ourselves that we are taking a step forward when we are taking a step backward. I say, we ought not to take a step backward. What is the injustice, if any, that would result by conferment of occupancy rights on all tenants of inam land? That is the question which I should like to ask the Hon'ble the Revenue Minister. What is wrong in conferring occupancy rights arising out of their tenure on all cultivators of inam lands? What is lost by conferring this occupancy right ? Nothing. Once it is assumed that an inamdar is a mere intermediary who is not entitled and who was never entitled to the occupancy right of land, once that is assumed, what is wrong in vesting that occupancy right in the tenant ? Why do we want to higgle-haggle about the period of years and make a classification which is not free from controversy whatever effort we may put into making that classification? It may be a different premium or a different price that will have to be paid by each class of tenants; and it may be recovered in such manner as the Government may think fit to prescribe. But, so far as the basic policy of conferring the occupancy right on tenants is concerned, I do not think we ought to make an exception in the case of those who did not have this continuous period of tenancy for six years prior to 1948. That is precisely the point around which all the controversy went on in the Joint Select Committee. The whole basis of the case was that the poor tenants would have nothing to show continuity of possession. Why do we want to bring them back to that unsatisfactory position? How will it improve the case? Why should we not give the occupancy right to the tenants of the land irrespective of the duration of the tenure ? What is the magic in the period of six years or twelve years ? What is the magic? There is none. If the inamdar possessed the occupancy right the title deed which he would produce before the Deputy Commissioner or the prescribed authority would show it. Whether the inamdar did or did not possess the occupancy right is to be known only by the examination of the original inam title deed issued by the Government at the time of the Inam Settlement. So there is no point in asking whether the inamdar had the occupancy right or did not have it. If he had it, the title deed issued by the Government would show it. If he did not have it, no amount of argument or disputation would confer that right upon him. If he had the occupancy right, was it a fault to have had his lands cultivated by tenants ? Quite a large number of people have their lands to be cultivated by tenants. So far as the inamdar is concerned, it would not be any more wrong for him to have had his lands cultivated by tenants than for the holder of raitwari lands to have them cultivated by tenants. If the holder of the inam land and the cultivator got on well for a number of years, we want to punish the inamdar for having been good to his tenant ; and we also want to punish the tenant for having had a bad inamdar who evicted him year after year and did not give continuous possession of the land to him.

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What is the justice of it ? This is an injustice not merely to the tenant who did not have a choice in the matter, but an injustice also to the inamdar who was good to the tenants. This is not the way of dealing with either the tenant or the inamdar. If we want to confer the occupancy right on the tenant, let us confer it. Who prevents the Government or this House from conferring the occupancy right also on the tenants who are not in continuous possession ? What is the special sanctity attached to the period of six years or twelve years ? If the inamdar had no occupancy right in the lands in possession of his tenants what prevents us from conferring that occupancy right on the tenants ? That is the question to which I am trying to get an answer. Why should we higgle-haggle with this period of six years ? Why should we not confer the occupancy right on all the tenants ? Does it commit the Government to any new principle ? Does it commit the Government to any expenditure which is not covered by the Finanncial Memorandum appended to this Bill ? I do not think that it does. I think, when we stand committed to the policy of conferment of occupancy rights on the tenant-cultivators of inam lands, this classification of tenants should be made on a principle which can be justified. We cannot propose to make it on a principle which does not exist or on a principle which cannot be justified. To me it appears that depriving the tenant-cultivators who did not have continuity of tenure for six or twelve years of the occupancy right that is going to be conferred upon other tenant-cultivators, is not founded on any principle whatever. If there is any such principle, I should like to know what it is. Let it be stated on the floor of this House. Let the justice of that principle be examined. If there is justice and if everybody accepts it, nothing prevents that principle being translated into any provision that the Government may think fit to incorporate in this Bill. If the tenant was not fortunate enough to have had this continuity of tenure we let him down. We have given nothing to him. We have left him in the lurch. We confer that occupancy right on the inamdar who evicted him year after year. We deprive the inamdar of the occupancy right if he maintained good relations with the tenant. Is that justice ? Is there any principle ? If there is, I should like to know what it is. Therefore, I say, let us confer the occupancy right on all tenants. Let us by all means differentiate between different classes of them so far as the premium or the price is concerned. The kadim tenant pays nothing ; the permanent tenant pays something. For the residuary class, let us fix a higher premium, but let the occupancy right be conferred. For the actual working out of this Act I am sure the Government will take not less than ten years. It will then discover that the total number of persons on whom occupancy rights are conferred will not be more than the number of persons from whom occupancy rights would have been taken away. That would be the nett effect of the present legislation. Why discriminate against those poor tenants who did not have the choice and could not have insisted upon the continuous tenancy ? Was it their fault that Government did not pass legislation early ? It was not their fault that the Protection of Tenants and Miscellaneous Provisions Act was not passed before 1948. It was not their fault. The Act XIX of 1950 was the first instalment of land reform legislation that was long overdue so far as the tenants of inam villages were concerned. With that enactment some tenants got a certain amount of security of tenure. It is not as if every tenant could go to the Deputy Commissioner and obtain redress. Hundreds of tenants have been evicted and after suffering eviction if they are not going to get justice, then what is this reform ? Action against such eviction was never taken, was never even contemplated. Is it the fault of these tenants that they do not get anything ? Is it not our fault ? That is the question I put to the Hon'ble the Revenue Minister. I am sure that his sympathy for this class of tenants is not a whit less than mine. I want him to examine the justice of

the claim on behalf of the tenant-at-will. What is it that this Bill does for him ? The Minister might say that we have extended the application of the Tenancy Act. The Tenancy Act applies to everybody. The security of tenure under the Tenancy Act of 1952 or the security of tenure that the Protection of Tenants Act of 1950 ensures to the tenant is a thing that is wholly independent of this legislation. That security of tenure is already there. And if the proposition is that the continuity of tenure should be increased to a period of years and that at the end of that period, after 5 years, 10 years or 12 years of such tenure guaranteed by previous legislation, occupancy right should be conferred, what is the principle in it ? Why don't we do it to-day ? What prevents us from doing it to-day ? If the Inamdar did not have occupancy right, he is not entitled to be compensated for the deprivation of it. If he had only intermediary right, the abolition of it upon payment of whatever compensation the Legislature regards as reasonable would be upheld as valid legislation. It has happened not merely in South India but it has happened all over the Indian Union. Several Zamindary Abolition Acts and Inam Abolition Acts and Landed Estates Abolition Acts have been enacted and the validity of these legislative enactments has been upheld by the highest courts in the land and even those enactments about the validity of which there had been considerable doubt have been validated by an amendment of the Constitution itself. Article 31 has been amended in order to validate such legislation and to ensure that legalistic scrutiny of legislative enactments will not prevent tenants from coming into their own. Is it our idea that we should lag behind, that the poor tenants who could not obtain continuity of tenure for no fault of their own, who were at the mercy of the landlord, should get nothing out of this legislation ? If that is the object I am not in favour of it.

Mr. SPEAKER.—May I know if you are opposing the amendment moved by the Minister or whether you are going to move your own amendments to his amendment ?

Sri M. V. RAMA RAO.—The Hon'ble the Revenue Minister when he moved this amendment did not make out any case as to why these amendments were necessary, beyond making a statement. If this classification is intended to be retained, then what prevents him from making further classification ? If we are going to differentiate between permanent tenant and quasi-permanent tenant—quasi-permanent tenant is an institution which is to be created here now and which will be known hereafter to law—there must be a principle stated in the definition on which this tenancy can be recognised otherwise than by reference to a particular date. Therefore I say if we insist upon making classification of tenants, let us do it on some definite principle. There is nothing special or magical about this first day of July 1948. If the period of tenancy is to be measured in years, it should also be measured in respect of other relevant factors and one such relevant factor, a very important factor, is whether the person who got the land so cultivated by a tenant was himself interested in agriculture or not, whether he was interested only in the income or whether he was also interested in the land. What is the test to be applied ? If the land is got cultivated by another and the holder is content to take a cash rent or a fixed rent without interesting himself in the actual processes of getting the land cultivated, he would be a mere rent-receiving landlord. I have absolutely no objection to the occupancy right of such a holder of land being taken away and vested in the actual cultivator ; but if a person who held land got it cultivated on a crop-sharing basis, took interest in the processes of cultivation and made his contribution to the task of cultivation, either supplied manure or seed or did other things which people who hold land generally do in order to get their land cultivated, if he did those things, what is the principle in taking away the occupancy right in land from him and conferring it on the tenant

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who is cultivating it for a period of six years ? What is the justice ? What is the logic ? If the Honourable Minister is particular about sub-classification of tenants into quasi-permanent tenants, let us introduce the word 'fixed' before the word 'rent'. A person who was paying a fixed rent for a period of 6 years or 12 years could, in my opinion, be termed quasi-permanent tenant. The landlord who merely got income from it by way of receiving fixed rent had no interest in the land because he would be entitled to receive the rent whether the land yielded any crop or not. In this case it cannot be argued or premised that the landlord took much interest in the cultivation of the land or that he made any positive contribution to the progress of cultivation. Therefore, I say, this definition as it is sought to be incorporated by way of amendment would not be satisfactory, would not be well founded on a just principle. Let us then confer occupancy rights on all tenant-cultivators or, if we think that it is expedient to make the sub-classification that this sub-classification is going to make a large number of people better as a result of whatever right this will confer on them, then let us have the words 'fixed rent'. In fact if the cultivation is carried on on a crop-sharing basis and the tenant as well as the holder of the land manage to get along exceedingly well because both are reasonable people, what is the principle on which we transfer the occupancy right from one holder to the other, what is the principle in taking away occupancy right in the land from A and conferring the occupancy right on B ? If A had no manner of interest in the land and if he merely wanted to get something out of it by way of fixed rent or assessment, then I could understand our giving the land to the man who is actually cultivating it, conferring the occupancy right on the person who cultivates the land. But how does this Bill operate in the large number of cases where the land is cultivated on the basis of sharing of crops ? It affects that cultivation adversely. It takes away land from the person who is interested in the land, from the person who has been the holder of the land and confers the occupancy right on the person who was a tenant of the land and requires him to pay premium for acquiring the occupancy right and the person who is thus deprived of the occupancy right may hereafter have to become a tenant under the person who acquires the occupancy right. The Honourable Minister and, I am sure, all the Honourable Members of this House would be aware that tenants generally are not in a very fortunate position. The first question that the holder of a land might put to a new tenant who wants to cultivate the land would be whether he is physically capable of cultivating the land, whether he has the necessary live-stock equipment for initiating the process of agriculture. We seek to confer occupancy right on a person and require him to pay a premium for it which might necessitate his selling away his bullocks. After this high-priced occupancy right has been conferred on him, compensation is to be paid to the person who has been deprived of that occupancy right. Why don't we straightaway transfer the occupancy right from the holder who does not cultivate the land to the person who cultivates ? That is an intelligible principle. There is nothing in it which is morally wrong. It is perfectly justifiable land policy. The party to which we all belong believes in it. We ought to be proud of enacting the necessary legislation when we can and the Opposition has been characterising us as being retrograde, regressive and as not having a genuine desire for initiating any policy of land reform.

Why not confer occupancy rights on the cultivator of the land ? If this classification is to be made, let it be justified on principle. If it is not justified, as it cannot be justified, let us do away with it; let us confer occupancy rights on the present cultivators. Why should any special privilege, why should any special treatment be given to the owners of lands on which subsidiary crops are

raised in areas where areca, cocoanut, mango or casuarina is grown? Why should any special concession be given? Why should not the holder of a garden land also be deprived of occupancy right and why should not the occupancy right be conferred on the tenant-cultivator of that land? What is wrong about it? What are the processes of cultivation for raising arecanut or other garden? The same processes which are necessary for cultivating anything else; it may be that the technique employed is different; that the investment may be more.

Sri Kadidal MANJAPPA.— We have not exempted arecanut gardens from the operation of this Bill. It exempts those class of persons who are only growing subsidiary crops in arecanut gardens and not any other person.

Sri M. V. RAMA RAO.— That is precisely my objection. Why should not the occupancy right of that land which is cultivated for raising subsidiary crops be conferred on the person who raises the subsidiary crop? Why should an exception be made in the case of land which is cultivated for raising subsidiary crops and on which there is something else already? Does not such cultivation show that there is great pressure of population on available cultivable land? Is it not obvious that, if there is plenty of cultivable land, people would cultivate any land of their own without going in search of somebody else's arecanut or other garden to raise subsidiary crops? They might come in search of such garden land when there is no other cultivable land available to them. If that is so, why do we want to keep the cultivator of subsidiary crops there in the same old position? Why don't we extend the same sympathy to him? What is the special case for the arecanut garden? How about cocoanut garden? How about a casuarina plantation? The person who holds land on which casuarina plantation is to be raised or is raised or even intended to be raised will get the benefit of this Explanation. I do not think it is just. However expedient it may be by reason of circumstances which may prevail in one or two particular districts of the State, it does not seem to be founded on any principle. If this classification is to be made, it should be founded on a principle. If it cannot be founded on principle we should not be trying to argue about it and to get it incorporated into the Bill when the Select Committee itself has done away with it. Therefore, Sir, I say that this definition, that this amendment to clause (2) would put the clock back again to where it was before the Bill went to the Select Committee. Speaking for myself and, if I may speak on his behalf, my friend from Kolar District, our views with regard to tenants would not prevail there in the Select Committee. My friends from Kolar District who were present in the Select Committee know who wanted what rights to be guaranteed to the tenants. They know what they have asked for. They know what they have got. If they are satisfied with it, I am not. I am not satisfied that the tenant has had a fair deal at our hands. The largest number of tenants according to the Kolar spokesman are the tenants-at-will. They are now left in the lurch. The tenants-at-will must have justice. The tenants-at-will who may have been evicted for no fault of theirs must also be given occupancy rights. The Government must make up their mind and see that occupancy rights are given to them. Compromises are easily made by those who have not taken a firm stand or a firm view founded on a principle. It is possible to make a compromise on any subject for its own sake but there is no use if it cannot be justified. They say life is full of compromises. I cannot claim to speak with the experience of those who have found it necessary to make compromises or enter into compromises or glory in the series of compromises that appear to have been made. I can only speak so far as my own limited experience of this legislative process is concerned. That is, I should like to stand up and speak on behalf ef the tenant for whom this Bill is intended. It will not be fair for the Government to do this and it is not a thing which can be justified

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on principle. Therefore, Sir, I would suggest to the Minister that either he should further amend this definition if he wants that classification to remain until further land reform is introduced or, since that classification cannot be justified, do away with it altogether and confer the occupancy right on the tenant-cultivator of the land irrespective of the period of cultivation.

Mr. SPEAKER.—So, is it to be presumed you are not going to move your own amendment?

Sri M. V. RAMA RAO.—I thought I had in fact moved those amendments. I made a reference. In fact they are merely verbal so far as the form goes. I move:

'In Clause 2 (2), item (14), the word "fixed" be inserted between the words "on payment of" and "rent to the inamdar";

In the explanation to item (14), paragraphs (ii) and (iii), the words "are to be or" after the words "the said trees" be omitted.'

Mr. SPEAKER.—It means you approve of the amendment moved by the Minister subject to your own amendment?

Sri M. V. RAMA RAO.—That is why I spoke first on the Minister's amendment so that if he makes up his mind about it the question of my amendment would not arise. That is what I think. As a matter of fact, the Chair can put the amendments in any order.

Sri J. MOHAMED IMAM.—I think the Minister's amendment and Sri Rama Rao's amendment are quite independent of each other. Each amendment has to be put to the vote separately.

Mr. SPEAKER.—So far as Sri Rama Rao's amendment is concerned, it is an amendment to the Ministers's amendment. There is another amendment moved by four Hon'ble Members, Sri G. Papanna and three others.

SOME MEMBERS.—We are not moving them.

Mr. SPEAKER.—Amendment moved:

'That in clause 2 (2), item (14), the word "fixed" be inserted between the words "on payment of" and "rent to the inamdar".

In the explanation to item (14), paragraphs (ii) and (iii), the words "are to be or" after the words "the said trees" be omitted.'

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ವಾಮಿ, ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾಯರ ವಾದವನ್ನು ನಾನು ಈ ಹಿಂದೆ ಮೂರು ಸಂದರ್ಭಗಳಲ್ಲಿ ಕೇಳಿದ್ದೆ. ಆ ವಾದವನ್ನು ಈಗ ಇನ್ನೊಂದು ಸಾರ್ತಿ ಕೇಳಿದಂತಾಯಿತು. ಈ ಬಿಲ್ಲು ಸಲೆಕ್ಟ್ ಸಮಿತಿಯವರ ಮುಂದೆ ಹೋಗುವುದಕ್ಕಿಂತ ಮೊದಲೇ ಈ ಸಭೆಯ ಮುಂದೆ ಸಾಮಾನ್ಯ ಚರ್ಚೆಗೆ ತಂದಿದ್ದಾಗ ಇವರು ಇದರ ಬಗ್ಗೆ ಒಂದು ದೀರ್ಘವಾದ ಭಾಷಣವನ್ನೇ ಈ ಸಭೆಯಲ್ಲಿ ಮಾಡಿದ್ದರು. ಅನಂತರ ಇದು ಸಲೆಕ್ಟ್ ಸಮಿತಿಯ ಮುಂದೆ ಹೋದ ಮೇಲೂ, ಆ ಸಮಿತಿಯವರು ಶ್ರೀಮಾನ್ ರಾಮರಾಯರ ಅಭಿಪ್ರಾಯವನ್ನು ಅಲ್ಲಿ ಪುನಃ ತೆಗೆದುಕ್ಕೊಂಡಿರುತ್ತಾರೆ. ಅಷ್ಟೆಲ್ಲಾ ಆದ ತರುವಾಯ ಈಗ ಪುನಃ ಅವರು ಈ ಮಸೂದೆಯ ಬಗೆ ಮೂರು ಘಂಟೆಗಳ ಕಾಲವನ್ನು ತೆಗೆದುಕ್ಕೊಂಡು ಭಾಷಣ ಮಾಡಿರತಕ್ಕದ್ದನ್ನು ಕೂಡ ಈಗ ತಾವೆಲ್ಲರೂ ಕೇಳಿರುತ್ತೀರಿ. ಅವರು ಇಷ್ಟೆಲ್ಲಾ ಮಾಡಿರುವ ಭಾಷಣದ ಸಾರಾಂಶವನ್ನು ಒಟ್ಟಿನಲ್ಲಿ ಹೇಳುವುದಾದರೆ ಅದು ಇಷ್ಟೇ.—

ಗೇಣೀದಾರರಿಗೂ ಕೂಡ ಸಾಮಾನ್ಯವಾದ ಹಕ್ಕು ಕೊಡುವುದಾದರೆ ಯಾವ ಗೇಣಿದಾರರು ಆ ಪಟ್ಟಿಗೆ ಕಂದಾಯ ಕೊಡುತ್ತಾರೆಯೋ ಅವರನ್ನು ಮಾತ್ರ ಹಕ್ಕುದಾರರನ್ನಾಗಿ ಮಾಡಬೇಕು ಇಲ್ಲವಾದರೆ ಎಲ್ಲ ರೈತರಿಗೂ ಹಕ್ಕು ಕೊಡಬೇಕು ಎಂದು ಹೇಳಿ ಅವರ ವಾದ. My friend Sri Veeranna Gowdh says he has not understood it. I shall explain once again. ಅವರ ವಾದದ ಸಾರಾಂಶ ಇಷ್ಟೆ. ಯಾವುದಾದರೂ ಒಂದು ವರ್ಗದ ಗೇಣಿದಾರರಿಗೆ ಭೂಮಿಯಮೇಲೆ ಹಕ್ಕುದಾರಿ ಕೊಡುವುದಾದರೆ ಅಥವಾ ಅವನನ್ನು ಮಾಲೀಕನನ್ನಾಗಿ ಮಾಡುವುದಾದರೆ ಅವನು ಕಂದಾಯವನ್ನು ಕೊಡುತ್ತಾ ಇದ್ದರೆ ಮಾತ್ರ ಆ ರೀತಿ ಹಕ್ಕನ್ನು ಕೊಡಬೇಕು.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಕಂದಾಯ ಎಂದರೆ ಗೇಣಿಯೋ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅಲ್ಲ. ಕದೀಂ ರೈತರು ಯಾವ ರೀತಿ ಬರೀ ಕಂದಾಯವನ್ನು ಇನಾಂದಾರರಿಗೆ ಕೊಡುತ್ತಾರೆಯೋ ಅದೇ ರೀತಿ ಕಂದಾಯವನ್ನು ಕೊಡತಕ್ಕ ಗೇಣಿದಾರರಿಗೆ ಮಾತ್ರ ಹಕ್ಕುದಾರಿಯನ್ನು ಕೊಡಬೇಕು ಅವರನ್ನು ಮಾಲೀಕರನ್ನಾಗಿ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿ ಹೇಳಿದರು.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಗುತ್ತಿಗೆ ಕೊಡುವವರಿಗೆ ಏನೂ ಇಲ್ಲ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಗುತ್ತಿಗೆ ಕೊಡುವವರನ್ನೂ ಪಾರಕ್ಕೆ ಮಾಡುವವರನ್ನೂ ಹಿಡುವಳಿದಾರರನ್ನಾಗಿ ಮಾಡುವುದು ಸೂಕ್ತವಲ್ಲ, ಅದು ಯಾವ ತತ್ವದಮೇಲೂ ಕೂಡ ಅವಲಂಬಿಸಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಒಂದು ಪೇಳೆ ಈ ಒಂದು ತತ್ವವನ್ನು ಮೀರಿ ನಾವು ಉಳಿದ ಯಾವುದಾದರೂ ಒಂದು ಪಂಗಡದ ಗೇಣಿದಾರರನ್ನು ಮಾಲೀಕರನ್ನಾಗಿ ಮಾಡುವುದಾದರೆ ಎಲ್ಲಾ ಗೇಣೀದಾರರನ್ನೂ ಕೂಡ—ಒಂದು ವರ್ಷಸಾಗುವಳಿ ಮಾಡಲ, 6 ತಿಂಗಳು ಸಾಗುವಳಿ ಮಾಡಲ—ಅವರಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡಬೇಕು ಎಂದು ಹೇಳಿದರು.

ಮೊದಲನೆಯದಾಗಿ ಈ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ವಿಚಾರದಲ್ಲಿ ಅವರು ಕಟುವಾಗಿ ಮಾತನಾಡಿದ್ದಾರೆ. ಯಾರ ಹಿತರಕ್ಷಣೆಗೆ ಈ ಒಂದು ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ನು ನೀವಿಲ್ಲಿ ಅಡಕ ಮಾಡಿದ್ದೀರಿ ಎಂದು. ಅದಕ್ಕೆ ನಾನು ಉತ್ತರ ಹೇಳುತ್ತೇನೆ. ಈ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ನು ಹೊಸದಾಗಿ ನಾನು ಇಲ್ಲಿ ತಿದ್ದುಪಡಿ ರೂಪದಲ್ಲಿ ತಂದದ್ದಲ್ಲ. ಅದು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯ ವರದಿಯಲ್ಲೇ ಇದೆ. ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯ ಸದಸ್ಯರಾಗಿ ರಾಮರಾಯರೂ ಕೂಡ ಈ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ನನ್ನು ಸೇರಿಸುವ ಬಗ್ಗೆ ನಾವು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿ ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಲು, ತೀರ್ಮಾನ ಕೈಕೊಂಡಾಗ ಇದ್ದರು ಎಂದು ನನ್ನ ಭಾವನೆ.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಇದ್ದೆ, ತಕರಾರೂ ಮಾಡಿದೆ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ತಕರಾರು ಮಾಡಿದ್ದು ಜ್ಞಾಪಕವಿಲ್ಲ, ಇರಲಿ. ಏಕೆ ಇದನ್ನು ಹಾಕಿದ್ದೀವಿ ಎಂದರೆ ಇದರ ಉದ್ದೇಶ ಇಷ್ಟೆ. ಕೆಲವು ಅಡಿಕೆ ತೋಟಗಳಲ್ಲಿ ಮತ್ತು ತೆಂಗಿನ ತೋಟಗಳಲ್ಲಿ ಅಡಿಕೆ ಮತ್ತು ತೆಂಗಿನ ಫಸಲು ಅಲ್ಲದೆ ಇತರ ವಿಧವಾದ ಫಸಲನ್ನೂ ಬೆಳೆದಿದ್ದಾರೆ. ಉದಾಹರಣೆಗೆ ವೀಳೆಯದೆಲೆ ಮುಂತಾದ ಫಸಲು ಇವೆ. ಈ ತೋಟ ಇನಾಂದಾರರ ಸ್ವಾಧೀನದಲ್ಲಿದೆ. ತೋಟದ ಬೆಳೆಯನ್ನು ಇನಾಂದಾರರು ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ. ಅಡಿಕೆ ಫಸಲನ್ನು ಮತ್ತು ತೆಂಗಿನ ಫಸಲನ್ನು ಇನಾಂದಾರರು ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ. ಆದರೆ ತೋಟದಲ್ಲಿ ಬೆಳೆಯುತ್ತಾರಲ್ಲಾ ಬಾಳೆ, ಏಲಕ್ಕಿ ಮುಂತಾದ ಚಿಲ್ಲರೆ ಫಸಲುಗಳು, ಆ ಚಿಲ್ಲರೆ ಫಸಲುಗಳನ್ನು ಬೆಳೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಕೆಲವರಿಗೆ ಅನ್ವಯ ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಚಿಲ್ಲರೆ ಫಸಲು ಬೆಳೆದುಕೊಂಡು ಆ ತೋಟದ ಕಾವಲುಗಾರರಾಗಿರಬೇಕೆಂಬ ಷರತ್ತು ಕೂಡ ಇರುತ್ತದೆ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ.....

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಇನಾಂದಾರರು ಅಡಿಕೆ ಫಸಲು ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಬೇರೆ ಕೆಲಸ ಇರುವುದಿಲ್ಲ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅಡಿಕೆ ಸಾಗುವಳಿ ಮಾಡುವವರು ಅವರು, ಅಗತೆ ಮಾಡತಕ್ಕವರು ಇನಾಂದಾರರು, ಗೊಬ್ಬರಹಾಕತಕ್ಕವರು ಇನಾಂದಾರರು, ಆದರೆ ಚಿಲ್ಲರೆ ಫಸಲು ಬೆಳೆಯತಕ್ಕವರು ಬೇರೆಯವರು

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ವಾರ ಕಲ್ಪವೇಕ್ಷಗೆ ಇದು ಅಪ್ಲೈ ಆಗುತ್ತದೆಯೋ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಅಡಿಕೆ ಮರಗಳು ಯಾರಿಗೆ ಸೇರಿದ್ದಾಗಿರುತ್ತವೆ? ಭೂಮಿ ಇನಾಂದಾರರಿಗೆ ಸೇರಿದ್ದಾಗಿರುತ್ತವೆ. ಅಡಿಕೆ ಮರಗಳು ಇನಾಂದಾರರಿಗೆ ಸೇರಿದ್ದಾಗಿರುತ್ತವೆ. ಯಾರಿಗೆ ಅಡಿಕೆ ಮರಗಳ ಭೂಮಿಯ ಮಾಲೀಕತ್ವವನ್ನು ಕೊಡಬೇಕು, ಇನಾಂದಾರರಿಗೆ ಕೊಡಬೇಕೇ ಅಥವಾ ಸಬ್ಸಿಡಿಯರಿ ಫಸಲನ್ನು ಬೆಳೆಯುತ್ತಾರಲ್ಲಾ ಅವರಿಗೆ ಕೊಡಬೇಕೇ ಎಂಬ ಪ್ರಶ್ನೆಬಂದು ಸಬ್ಸಿಡಿಯರಿ ಫಸಲು ಬೆಳೆಯುವವರಿಗೆ ಕೊಡುವುದು ನ್ಯಾಯವಲ್ಲ ಎಂದು ಹೇಳಿ ಈ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ಅವಶ್ಯಕ ಎಂದು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ತೀರ್ಮಾನಕ್ಕೆ ಬಂದರು. ಇನ್ನು ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಲೆನಾಡಿನಲ್ಲಿ ಅಡಿಕೆ ತೋಟ ಕಾಯುವುದಕ್ಕೆ ಜನಗಳನ್ನಿಟ್ಟಿರುತ್ತಾರೆ. ಆ ಮನುಷ್ಯ 15 ವರ್ಷದಿಂದ ಇರಬಹುದು. ಅವನ ಕೈಯಲ್ಲಿ ಒಂದು ಬಂದೂಕ ಇರುತ್ತದೆ. ಕೋತಿಗಳು ಬರದಹಾಗೆ ತೋಟ ಕಾದುಕೊಂಡು ಇರುತ್ತಾನೆ. ಅವನಿಗೆ ಈ ಡೆಫಿನಿಷನ್ ಪ್ರಕಾರ, 6 ವರ್ಷ ಅವನು ಕೋತಿಗಳನ್ನು ಕಾದರೆ ಅವನನ್ನು ಮಾಲೀಕನನ್ನಾಗಿ ಮಾಡುವುದು ಸೂಕ್ತವೇ ಎಂಬುದನ್ನು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಪರಿಶೀಲನೆ ಮಾಡಿ, ಅದು ಸೂಕ್ತವಲ್ಲ ಯಾರಿಗೆ ಜಮೀನು ಸೇರಿರುತ್ತದೆಯೋ ಅವನನ್ನು ಮಾಲೀಕನನ್ನಾಗಿ ಮಾಡುವುದು ಸೂಕ್ತ ಎಂದು ಈ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ ಸೇರಿಸಿದ್ದಾರೆ.

Mr. SPEAKER.—It is not merely in malnad. In maidan also, mango trees are grown in gardens.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಕ್ವಾಸಿ-ಪರ್ಮನೆಂಟ್ ಟೆನೆಂಟ್ಸ್ ಎಂಬ ಒಂದು ತರಗತಿಯ ರೈತರನ್ನು ಯಾವ ತತ್ವದಮೇಲೆ ನೀವು ಸೇರಿಸುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಪಟ್ಟಿದ್ದೀರಿ ಎಂದು ಹೇಳಿ ಶ್ರೀಮಾನ್ ರಾಮರಾಯರು ಪ್ರಶ್ನಿಸಿದರು. ನಾನು ನಿನ್ನೆಯೇ ಸಂಕ್ಷೇಪವಾಗಿ ಉತ್ತರ ಹೇಳಿದೆ. ಚರ್ಚೆಯಲ್ಲಿ ಭಾಗವಹಿಸುತ್ತಾ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರು ರೈತರಿಗೆ ಸರಿಯಾದ ರಕ್ಷಣೆ ಕೊಡುವುದು ಅಗತ್ಯ, ಅವರನ್ನು ಮಾಲೀಕರನ್ನಾಗಿ ಮಾಡುವುದು ಅಗತ್ಯ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದರ ಮೇಲೆ ಗುಂಡಪ್ಪಗೌಡರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನೇಮಕ ಮಾಡಿದ್ದ ಸಮಿತಿಯವರೂ ಕೂಡ 1948ನೇ ಇಸವಿಗೆ ಹಿಂದೆ 6 ವರ್ಷಕಾಲ ಅವಿಚ್ಛಿನ್ನವಾಗಿ ಸಾಗುವಳಿ ಮಾಡಿದ ರೈತರೆಲ್ಲರನ್ನೂ ಕೂಡ ಮಾಲೀಕರನ್ನಾಗಿ ಮಾಡುವುದು ಅವಶ್ಯಕ ಎಂದು ಹೇಳಿ ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತಪಡಿಸಿದ್ದಾರೆ. ನಿನ್ನೆ ಹೇಳಿದಹಾಗೆ 1948ನೇ ಇಸವಿಯಲ್ಲಿ ಸರ್ಕಾರದವರು ಭೂಸುಧಾರಣೆ ಮಾಡುವ ವಿಚಾರದಲ್ಲಿ ಆಸಕ್ತಿ ವಹಿಸಿದರು. ಅದಕ್ಕೆ ಒಂದು ಸಮಿತಿಯನ್ನು ನಿರ್ಮಿಸಿದರು. ಆ ಕಾಲದಲ್ಲಿ ಇದ್ದ ರೈತರು ಸಾಮಾನ್ಯವಾಗಿ ಬಹಳ ವರ್ಷಗಳಿಂದ ಇದ್ದ ರೈತರು ಎಂದು ಹೇಳಿ ಊಹಿಸಬಹುದು. ಆದ್ದರಿಂದ ಅವರ ರಕ್ಷಣೆಗೆ 1950ನೇ ಆಕ್ಟೂ ಕೂಡ ಜಾರಿಗೆ ತಂದರು. 1948ರಿಂದ ಈಚೆಗೆ ಬಂದ ರೈತರು ಹಿಂದೆ ಇದ್ದ ರೈತರಿಗೆ ಬದಲಾಗಿ ಬಂದಿರಬೇಕು ಅಥವಾ ಇನಾಂದಾರರ ಸ್ವಂತ ಸಾಗುವಳಿಯಲ್ಲಿದ್ದ ಜಮೀನನ್ನು ಸಾಗುವಳಿ ಮಾಡಿರಬೇಕು. ಈ ಕಾರಣದಿಂದ 1948ನೇ ಇಸವಿಗೆ ಹಿಂದೆ ಅವಿಚ್ಛಿನ್ನವಾಗಿ 6 ವರ್ಷಗಳ ಕಾಲ ಸಾಗುವಳಿ ಮಾಡಿದ ರೈತರಿಗೆ ಹೆಚ್ಚಿನ ಪ್ರಾಶಸ್ತ್ಯ ದೊರಕಬೇಕಾದದ್ದು ಅಗತ್ಯ ಎಂದು ಹೇಳಿ ಶ್ರೀಮಾನ್ ಗುಂಡಪ್ಪಗೌಡರ ಸಮಿತಿಯವರೂ ಕೂಡ ಶಿಫಾರಸು ಮಾಡಿದ್ದಾರೆ. ಈ ಮಾನ್ಯ ಸಭೆಯ ಅನೇಕ ಸದಸ್ಯರೂ ಕೂಡ ವಾದಿಸಿದ್ದಾರೆ ಈ ಕಾರಣದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ಸೂಚಿಸಿದ್ದೇನೆ.

Sri M. LINGANNA (Nanjangud).—On a point of information, Sir. With regard to the extension of the definition of quasi-permanent tenant six years prior to 1948, I remember that there is one Act to protect the tenants from being evicted from inamdar's land. That was passed in the year 1950 or 1951. Thereunder, I believe, evictions by inamdars are made illegal. Even there, I believe that there is provision to the effect that if the inamdar and the tenant were to agree, the permission of the Deputy Commissioner might be obtained and the transfer of lands can take place. Suppose, you take this

(Sri M. LINGANNA.)

definition. Would not that particular transaction that took place after the consent of the Deputy Commissioner is given be against this definition ?

*Sri Kadidal MANJAPPA.—I am afraid the Hon'ble Member was not here when I explained that particular aspect. Section 3 of the Act reads like this :

"Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months.....etc."

So, this has nothing to do with the permission to be granted under the Act. So far as this point is concerned, the General Clauses Act provides for adjudicating the rights dispossessed under this Act after this Act is repealed.

Under the circumstances, Sir, I commend the amendments for the acceptance of this House.

Mr. SPEAKER.—What about Sri Rama Rao's amendment ?

Sri Kadidal MANJAPPA.—It is very difficult for me; in the light of the opinion expressed by the Hon'ble Members of this House, to accept the amendment of Sri Rama Rao. If I accept his amendment, it amounts to this—that only those tenants who are paying a fixed rent– that means if a tenant was paying ten candies of paddy, he must be paying ten candies of paddy every year; if there is any variation in any particular year, he will not get the benefit of this amendment. Therefore, I am sorry I am not in favour of that amendment.

Mr. SPEAKER.—What does the Hon'ble Member say ?

Sri M. V. RAMA RAO.—I do not agree with the interpretation put on the amendment that I have tabled, nor with the correctness of the version of what I said that has been given to the House. Fixed rent.....

Mr. SPEAKER.—Is it a further explanation or reply ? You have no right to reply.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—'Fixed Rent'ಗೆ ನಚಿವರು ಮಾಡಿದ ವ್ಯಾಖ್ಯಾನವನ್ನು ನಾನು ಒಪ್ಪುವುದಿಲ್ಲ. Fixed rent ಎನ್ನುವಾಗ, ಹಣವನ್ನು ಕೊಡಬಹುದು ಅಥವಾ ದವನವನ್ನು ಕೊಡಬಹುದು. ನಾನು ಹೇಳಿದ ಅಂಶಗಳಿಗೆ ಅವರು ಸರಿಯಾದ ವಿವರಣೆ ಕೊಡಲಿಲ್ಲ.

ಇನ್ನೊಂದು ವಿಷಯ—19 8ರಲ್ಲಿ ಮೊದಲು ಒಂದು ಆರ್ಡಿನೆನ್ಸ್ ಪಾಸ್ ಮಾಡಿ 1950ರಲ್ಲಿ ಒಂದು ಆಕ್ಟ್ ಪಾಸು ಮಾಡಿದ ಮೇಲೆ ಇನಾಮ್‌ದಾರರು ಕೆಲವು ರೈತರಿಗೆ ಹಕ್ಕನ್ನು ಕೊಟ್ಟಿರಬಹುದು. ಅಂಥವರಿಗೆ ಈಗ ಹಕ್ಕನ್ನು ಮಾಡಿಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದಾರೆ. 1948ಕ್ಕಿಂತ ಹಿಂದೆಯೂ ಸಹ ಸ್ವಂತ ಹಿಡುವಳಿಯಲ್ಲಿಟ್ಟುಕೊಂಡಿದ್ದರೂ ಸಾಗುವಳಿಗೆ ಕೊಟ್ಟಿದ್ದರು. ಅವರಿಗೆ ಹಕ್ಕನ್ನು ಕೊಡುವುದು, ಈಚಿನವರಿಗೆ ಕೊಡದೇ ಇರುವುದು ಎಂದರೆ ಇದು ಯಾವ ನ್ಯಾಯ ? ಗುಂಡಪ್ಪಗೌಡರ ನಮಿತಿಯ ವರದಿಯಲ್ಲಿ ಹೇಳಿದ್ದ ಮಾತ್ರಕ್ಕೇ ಅದೇನೂ ಶಾಸ್ತ್ರವಲ್ಲ. ಅಲ್ಲದೆ ಈಗ ಇವರು ಹೇಳಿರುವುದೆಲ್ಲವೂ ಅದಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಸಾಗುವಳಿದಾರನಿಗೆ ಜಮೀನು ಕೊಡುವ ತತ್ವವೇನೆಂಬುದನ್ನು ಹೇಳುವುದಿಲ್ಲ. ನಮ್ಮನೆ ಇದು ಆ ನಮಿತಿಯ ವರದಿಯಲ್ಲಿ ಹೇಳಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ನಾನು ಇಷ್ಟು ಹೇಳಿದರೂ ಅವರು ಇದಕ್ಕೆ ಒಪ್ಪದಿದ್ದರೆ ಏನು ಮಾಡುವುದು ? ನಚಿವರಿಗೆ ಇಷ್ಟವಿಲ್ಲದಿದ್ದರೆ ಬಿಡಲಿ, ಅವರಿಗೆ ಬೇಸರವನ್ನುಂಟುಮಾಡುವುದಕ್ಕೆ ನನಗೆ ಇಷ್ಟವಿಲ್ಲ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ನನ್ನ ವೈಯಕ್ತಿಕ ಇಷ್ಟದ ಪ್ರಶ್ನೆಯಲ್ಲ.

Mr. SPEAKER.—Will the House be pleased to give Sri Rama Rao leave to withdraw his amendment ?

The amendment was, by leave, withdrawn.

Mr. SPEAKER.—The question is:

'That in Clause 2—(1) Renumber the existing clause as sub-clause (1) and in that sub-clause in item (12), omit the words commencing from 'and includes a person' to the end of the item and the explanation ;

(2) Renumber item (14) as item (15), and before the item as so renumbered insert the following item :—

"(14) 'quasi-permanent tenant' means a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land himself with his own stock or by his hired servants or by hired

labour or with hired stock on payment of rent to the inamdar for a period not less than six years prior to the first day of July, 1948;

Explanation.—A person who under the terms of a contract—

(i) is entitled to grow subsidiary or ground crops on land on which areca, coconut or mango trees are grown,

(ii) only for care or maintenance of areca, coconut or mango trees, is put in possession of the land on which the said trees are to be or are grown,

(iii) for raising, care or maintenance of casuarina trees is put in possession of the land on which the said trees are to be or are grown;

shall not be deemed to be a quasi-permanent tenant in respect of such land ".'

After the said sub-clause (1), add the following sub-clause, namely :—

"(2) 'land revenue' for purposes of determining the premium payable by a permanent tenant and a quasi-permanent tenant under sections 5 and 6, and the compensation payable to the inamdar under section 16, means the amount payable as land revenue for the land during the revenue year 1953-54.

Explanation.—In the case of an inam village to which survey and settlement has not been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village during the revenue year 1953-54, shall be deemed to be the land revenue of the land for purposes of this sub-section ".'

The motion was adopted.

Mr. SPEAKER.—The question is :

"That clause 2 as amended stand part of the Bill."

The motion was adopted.

Clause 2 as amended was added to the Bill.

Mr. SPEAKER.—Clause 3.

Sri Kadidal MANJAPPA.—Sir, I beg to move :

" That in clause 3, sub-clause (1)—in item (*i*), for the words, 'or permanent tenant', substitute the words 'permanent tenant or quasi-permanent tenant';"

" in item (k), for the words 'and permanent tenants' substitute the words 'permanent tenants and quasi-permanent tenants'."

Sir, this is only a consequential amendment.

Mr. SPEAKER.—The question is :

" That in clause 3, sub-clause (1)—in item (*i*), for the words, 'or permanent tenant', substitute the words 'permanent tenant or quasi-permanent tenants'" ;

" in item (k), for the words 'and permanent tenants' substitute the words 'permanent tenants and quasi-permanent tenants'."

The motion was adopted.

Mr. SPEAKER.—The question is :

" That clause 3 as amended stand part of the Bill."

The motion was adopted.

Clause 3 as amended was added to the Bill.

Mr. SPEAKER.—Clause 4.

The question is :

" That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. SPEAKER.—Clause 5.

Sri Kadidal MANJAPPA.—Sir, I beg to move :

"*New clause 5.*—Renumber the existing clause 5 as clause 6 and before the clause as so renumbered, insert the following clause :—

'*5. Permanent tenants to be registered as occupants on certain conditions.*—(1) Subject to the provisions of sub-section (2) every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in re-

(SRI KADIDAL MANJAPPA.)

spect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to twenty times such land revenue. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable'."

MR. SPEAKER.—Amendment moved:

"*New clause 5.*—Renumber the existing clause 5 as clause 6 and before the clause as so renumbered, insert the following clause:—

'*5. Permanen tenants to be registered as occupants on certain conditions.*—(1) Subject to the provisions of sub-section (2) every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he w as a permanent tenant immedi. ately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to twenty times such land revenue. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable'."

SRI KADIDAL MANJAPPA.—Sir, this is necessitated on account of the opinion expressed by Hon'ble members that.....

SRI K. PATTABHIRAMAN (Kolar).—I seek a clarification before the Minister proceeds. He has used the word in the proviso, 'circumstances.' This is a judicial matter, the Bill is a legislative measure.

> "Provided that no person who has been admitted into possession or any land by an inamdar on or after the first day of July 1948, shall, except where he Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land."

I wish to know if the Hon'ble Minister is satisfied that the word 'circumstances' would connote all that he has in view and would cover all such cases and give all the relief that he intends to give.

SRI KADIDAL MANJAPPA.—That is the word found in the original Bill.

SRI K. PATTABHIRAMAN.—In the original Bill the context is different and here the context is entirely different. Here you declare a right under Section 5 as regards a person who is to be registered is a permanent tenant. You give a proviso so that the Deputy

Commissioner in certain circumstances can take away this right which otherwise he was not entitled to. Therefore, he can say, 'because of these circumstances...'. Is that word 'circumstances' comprehensive to convey all that you intend to? I leave the matter there.

Sri Kadidal MANJAPPA.—That is a word contained in the proviso of the original Bill. That was the word used in the previous Bill also. I thought it would convey sufficient meaning.

Sri K. PATTABHIRAMAN.— If you are satisfied, I am satisfied.

Mr. SPEAKER.—There is an amendment by Sri Rama Rao.

Sri M. V. RAMA RAO (Tumkur).—Sir, I move the amendment:

> 'That in new clause 5 (2), for the word "twenty" the word "ten" and for the word "ten" the word "five" be sustituted.'

The second paragraph of this clause lays down the condition upon which the occupancy right of land will be conferred upon a permanent tenant. Here we should remember that the permanent tenant is the permanent tenant as defined in the Land Revenue Code, Section 79, because the first amendment that was moved by the Hon'ble the Revenue Minister and accepted by this House to Clause 2 has deleted the other classes of persons who were sought to be included in the definition of permanent tenant by the Joint Select Committee. So, the permanent tenant now would be only the permanent tenant coming within the definition of Section 79 of the Land Revenue Code. Therefore, since separate provision has been made for other persons who would not be permanent tenants within the meaning of Section 79, I suggest that the permanent tenant as defined by the Land Revenue Code should not be required to pay a higher premium than what was considered reasonable and recommended by the Gundappa Gowda Committee Report which the Hon'ble Minister referred to earlier when a different proposition was being debated in this House. Sir, I am sure that the Minister will find that the recommendation made in that Report is as good for this purpose as he found it for the other purpose and that he will accept this amendment.

Mr. SPEAKER.—Amendment moved:

> 'That in new clause 5 (2), for the word "twenty" the word "ten", and for the word "ten", the word "five" be substituted.'

Sri Kadidal MANJAPPA.—Sir, on principle the amendment which I have proposed is in accordance with the report of the Committee presided over by Sri Gundappa Gowda, and also suggestions made by my friend, Sri M.V. Rama Rao at an early occasion. He argues that these tenants who were called permanent tenants should be taken on a different level and they would not be made to pay upset price at the rates provided for in the schedule. He also pleaded that some instalments should be given to those tenants to pay the upset price. In accordance with his suggestions I have moved this amendment. No doubt, that Gundappa Gowda Committee has said that 10 times land revenue would be adequate as the upset price to be paid by a permanent tenant. Sir, that Committee report came in the year 1950 and we are in the year 1954. The price of land has gone up. It is not much for the permanent tenant to pay an upset price of 20 times the land revenue. If the land revenue is two rupees per acre, he will pay forty rupees and he will become the owner of the land. Many of the permanent tenants are paying gutta up to 1/2 and 1/3 of the produce. Therefore, the amendment is very reasonable and I would appeal to my friend to withdraw his amendment.

Sri M. V. RAMA RAO.—I do not think the Minister made out a proper case for my withdrawing the amendment. I would request him to accept my amendment and move his amendment for the acceptance of the House as amended by my amendment. I therefore propose to move it for the acceptance of the House.

Mr. SPEAKER.—So, you want me to put it to vote. The question is:

> 'That in new clause 5 (2), for the word "twenty" the word

(MR. SPEAKER.)

"ten", and for the word "ten" the word "five" be substituted.'

The motion was negatived.

MR. SPEAKER.—The question is:—

'**New clause 5.**—Renumber the existing clause 5 as clause 6 and before the clause as so renumbered, insert the following clause:—

"**5. Permanent tenants to be registe ed as occupants on certain conditions.**—(1) Subject to the provisions of sub-section (2), every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to twen y times such land revenue. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable".'

The motion was adopted.

MR. SPEAKER.—Now, Clause 5, renumbered as 6.

SRI KADIDAL MANJAPPA.—Sir, Clause 5 (renumbered as clause 6). I beg to move:

'That in Clause 5 (renumbered as Clause 6) for the words "permanent tenants" and "permanent tenant" wherever they occur, the words "quasi-permanent tenants" and "quasi-permanent tenant" shall respectively be substituted.'

'(2) For sub-clause (1), the following sub-clause shall be substituted, namely:—

"(1) Subject to the provisions of sub-section (2), every quasi-permanent tenant shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a quasi-permanent tenant, provided

(i) he continued to be a tenant of such lands until the date of vesting; or

(ii) he had been unlawfully dispossessed of such lands by the inamdar between the 30th day of June 1948 and the date of vesting".'

'(3) At the end of sub-clause (2), the following words and proviso shall be added:—

"The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable:

Provided that the provisions of this section shall not apply to quasi-permanent tenants in a minor inam".'

'Clauses 6 onwards shall be renumbered as clauses 7, 8, etc., and necessary changes made in all the clauses.'

This amendment is also proposed in accordance with the opinion expressed by the Hon'ble Members. Clause (ii) in sub-clause (1) is a very important clause which protects those tenants who had been unlawfully evicted subsequent to 1-7-1948. All those clauses of tenants who have been unlawfully evicted will become occupants if this amendment is accepted. Here also in this amendment provision is made for payment of

upset price in instalments. This is in accordance with the suggestions made by my friend, Sri Rama Rao.

Mr. SPEAKER.—Amendment moved :

'That in (1) in Clause 5 renumbered as Clause 6, for the words "permanent tenants" and "permanent tenant" wherever they occur, the words "quasi-permanent tenants" and "quasi-permanent tenant" shall respectively be substituted.

(2) For sub-clause (1), the following sub-clause shall be substituted, namely :—

"(1) Subject to the provisions of sub-section (2), every quasi-permanent tenant shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a quasi-permanent tenant, provided

(i) he continued to be a tenant, of such lands until the date of vesting ; or

(ii) he had been unlawfully dispossessed of such lands by the inamdar between the 30th day of June 1948 and the date of vesting."

(3) At the end of sub-clause (2), the following words and proviso shall be added :—

"The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable :

Provided that the provisions of this section shall not apply to quasi-permanent tenants in a minor inam."

'Clauses 6 onwards shall be renumbered as Clauses 7, 8, etc., and necessary changes made in all the clauses.'

There is an amendment in the name of Sri H. S. Rudrappa.

Sri H. S. RUDRAPPA (Honnali).—I do not intend to move the amendment.

Mr. SPEAKER.—Another amendment in the name of Sri G. A. Thimmappa Gowda.

Sri G. A. THIMMAPPA GOWDA (Arkalgud).—I am not moving it.

Mr. SPEAKER.—The question is :

'(1) That in Clause 5 renumbered as Clause 6, for the words "permanent tenants' and "permanent tenant" wherever they occur, the words "quasi-permanent tenants" and "quasi-permanent tenant" shall respectively be substituted.

(2) For sub-clause (1), the following sub-clause shall be substituted namely :—

"(1) Subject to the provisions of sub-section (2), every quasi-permanent tenant shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which hs was a quasi-permanent tenant, provided ;

(i) he continued to be a tenant of such lands until the date of vesting ; or

(ii) he had been unlawfully dispossessed of such lands by the inamdar between the 30th day of June 1948 and the date of vesting."

(3) At the end of sub-clause (2), the following words and proviso shall be added :—

"The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable :

Provided that the provisions of this section shall not apply to quasi-permanent tenants in a minor inam".'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 5 as amended stand part of the Bill."

The motion was adopted.

Clause 5 as amended was added to the Bill.

Mr. SPEAKER.—There are no amendments proposed to Clauses 6 and 7. The question is:

"That Clauses 6 and 7 stand part of the Bill."

The motion was adopted.

Clauses 6 and 7 were added to the Bill.

Mr. SPEAKER.—Clause 8.

Sri Kadidal MANJAPPA.—I move:

'That in Clause 8 (renumbered as Clause 9), in paragraph 2 of sub-clause (1) for "6 or 7", substitute "6, 7 or 8".'

This is only a consequential change.

Mr. SPEAKER.—The question is:

'That in Clause 8 (renumbered as Clause 9), in paragraph 2 of sub-clause (1) for "6 or 7", substitute "6, 7 or 8".'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 8 as amended stand part of the Bill."

The motion was adopted.

Clause 8 as amended was added to the Bill.

Sri Kadidal MANJAPPA.—Sir, I move:

'Clause 9 (renumbered as Clause 10).—(1) Renumber this Clause as sub-clause (1) of clause 10 and in the sub-clause as so renumbered, after the words "a permanent tenant" in the two places where they occur, insert the words "a quasi-permanent tenant".

(2) For the figures and word "5, 6 and 8" substitute "5, 6, 7, and 9"; and for the word and figure "section 7", substitute "section 8".

(3) after sub-clause (1) of clause 10, renumbered as aforesaid the following sub-clause shall be added, namely.—

"(2) A tenant found to be in possession of any land on the first day of July 1948, shall be presumed to be a quasi-permanent tenant, unless the inamdar proves that such tenant is not a quasi-permanent tenant as defined in clause (15) of sub-section (1) of section 2."'

The earlier portion relates to consequential changes. The latter portion of this Clause relates to the onus of proof. The majority of the members who spoke on the Bill have expressed the view that it is very difficult for a tenant to prove that he was cultivating the land continuously for a period of six years in view of the fact that he will not be in possession of any documentary evidence. In order to help the tenants, this Clause is sought to be inserted. These are consequential changes.

Mr. SPEAKER.—There is no other amendment by any other member. The question is:

'Clause 9 (renumbered as Clause 10).—(1) Renumber this clause as sub-clause (1) of clause 10 and in the sub-clause as so renumbered, after the words "a permanent tenant" in the two places where they occur, insert the words "a quasi-permanent tenant".

(2) For the figures and word "5, 6 and 8", substitute "5, 6, 7 and 9"; and for the word and figure "section 7", substitute "section 8".

(3) clause after sub-clause (1) of 10, renumbered as aforesaid the following sub-clause shall be added, namely:—

"(2) A tenant found to be in possession of any land on the first day of July, 1948, shall be presumed to be a quasi-permanent tenant, unless the inamdar proves that such tenant is nota quasi-permanent tenant as defined in clause (15) of sub-section (1) of section 2."'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 9 as amended stand part of the Bill."

The motion was adopted.

Clause 9 as amended was added to the Bill.

Sri Kadidal MANJAPPA.—I move:

'Clause 10 (renumbered as Clause 11).—Sub-clause (1).—(1) After the words "a permanent tenant" insert the words "a quasi-permanent tenant".

(2) For the words and figures "sections 4, 5, 6, and 8", substitute "sections 4, 5, 6, 7 and 9."'

These are consequential changes.

Mr. SPEAKER.—The question is:

'Clause 10 (renumbered as clause 11).—Sub-clause (1).—(1) After the words "a permanent tenant", insert the words "a quasi-permanent tenant".'

(2) For the words and figures "sections 4, 5, 6 and 8", substitute "sections 4, 5, 6, 7 and 9".'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 10 as amended stand part of the Bill."

The motion was adopted.

Clause 10 as amended was added to the Bill.

Mr. SPEAKER.—Clauses 11 to 15. The question is:

"That Clauses 11 to 15 stand part of the Bill."

The motion was adopted.

Clauses 11 to 15 were added to the Bill.

Mr. SPEAKER.—Clause 16.

Sri Kadidal MANJAPPA.—I move the following amendment to clause 16:

'Clause 16 (renumbered as clause 17)—Sub-clause (1)—For paragraph (i), substitute—

"(i) a sum equal to twenty times the amount of land revenue payable in respect of land held by *kadim* tenants and permanent tenants entitled to be registered under section 4 and section 5 respectively:

Explanation.—Where the land revenue is paid in kind, the amount of land revenue for purposes of this clause shall be determined on the basis of the market value prevailing on the 1st day of January, 1954, of the crop or crops paid as land revenue."'

This is necessitated on account of the insertion of the definition of 'permanent tenants'. Originally in the Bill provision has been made for payment of compensation with respect to land held by *kadim* tenant. The same basis has been adopted in the case of permanent tenants.

Mr. SPEAKER.—There is no amendment by any other member. The question is:

'Clause 16 (renumbered as clause 17)—Sub-clause (1)—For paragraph (i), substitute—

"(i) a sum equal to twenty times the amount of land revenue payable in respect of land held by *kadim* tenants and permanent tenants entitled to be registered under section 4 and section 5 respectively:

Explanation.—Where the land revenue is paid in kind, the amount of land revenue for purposes of this clause shall be determined on the basisof the market value prevailing on the 1st day of January, 1954, of the crop or crops paid as land revenue."'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 16 as amended stand part of the Bill"

The motion was adopted.

Mr. SPEAKER.—Clause 17.

Sri M. V. RAMA RAO.—I move the following amendment:

'That in clause 17 (1), for the words "two and three-fourths" the word "four" be substituted.'

'In Clause 17 (2) for the word "twelve", the word "ten" be substituted wherever it occurs.'

The rate of interest on compensation has been prescribed at $2\frac{3}{4}$ percent. I think that $2\frac{3}{4}$ percent is not a reasonable rate of interest and that the rate should be fixed at 4 percent. Then with regard to the payment of compensation, the number of instalments has been fixed as not exceeding 12. Is

(Sri M. V. RAMA RAO.)

the case of recovery of premium, the number of instalments fixed is 10. I also moved at an earlier stage that the number of instalments in the case of a permanent tenant who pays very little premium may be fixed at 5 but my friend the Hon'ble the Revenue Minister was not agreeable. There is no reason why the compensation payable should not also be paid in 10 annual instalments where it is not possible to pay it in a lumpsum. Therefore, Sir, I commend these two amendments for the acceptance of the House.

Mr. SPEAKER.—Amendment moved:

'That in Clause 17 (1), for the words "two and three fourths" the word "four" be substituted.'

'In clause 17 (2), for the word "twelve" the word "ten" be substituted wherever it occurs.'

Sri Kadidal MANJAPPA.—So far as the period is concerned, instead of 12 years, my friend Sri Rama Rao wants to have it as 10 years. I have no objection to that.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮರಾವ್.—ಈಗ ನಾವು ಹೊರಗಡೆ ಎತ್ತಿರುವ ಸಾಲಕ್ಕೆ ಶೇಕಡ 4 ರಂತೆ ಬಡ್ಡಿಯನ್ನು ಕೊಡುತ್ತಿದ್ದೇವೆ. ಆದರೆ ಈಗ ಇವರಿಗೆ ಮಾತ್ರ 2¾ ಪರ್ಸೆಂಟಿನ ಪ್ರಕಾರ ಬಡ್ಡಿ ಕೊಡಬೇಕೆಂದು ಹೇಳಿರುವುದು ಏತಕ್ಕೆ? ಹೀಗೆ ಚಿಲ್ಲರೆಯಾಗಿ ಹೇಳಿರತಕ್ಕದ್ದು ಸರಿಯೇ ಎಂಬುದನ್ನು ಬೇಕಾಗಿದ್ದರೆ ಮಾನ್ಯ ಹಣಕಾಸಿನ ಸಚಿವರನ್ನೇ ತಾವು ಕೇಳಬಹುದು.

Sri K. HANUMANTHAIYA (Chief Minister).—It is true that we have borrowed in the market at 4 per cent but as Sri Rama Rao knows these rates of interest fluctuate. When a Government make a commitment, it should not be on the side of excess. It may be that subsequently we may be able to modify it. But once a very high promise is held out, if it becomes impossible to fulfil it, then this House will be put into a very awkward situation. Therefore, Sir, if you kindly permit us, instead of this fraction and all that, we may have it at 3 percent.

Sri S. SRINIVASA IYENGAR (T.-Narasipur).—I want to know one information. What is the percentage of interest for 1953-63 loan?

Sri K. HANUMANTHAIYA.—I told you that it is 4 per cent.

Sri S. SRINIVASA IYENGAR.—This period also ends by 1963. When the 1963 loan is guaranteed 4 percent interest and when the compensation also ends by 1963, where is the question of variation in the rate of interest? It is as good a commitment as a loan itself.

Sri M. V. RAMA RAO.—I have absolutely no choice. Neither the Government nor the House is in a mood to receive any amendment. Even their own arguments will not convince them.

Mr. SPEAKER.—Your second amendment is accepted. As regards your first amendment, instead of 2¾ per cent, they suggest 3 percent.

Sri M. V. RAMA RAO.—That would not be my amendment. That would be Government's amendment. I will withdraw my amendment and create a vacuum. I would seek the leave of the House to withdraw the amendment.

Mr. SPEAKER.—Supposing, Sri Rama Rao, the House refuses you to withdraw your amendment?

Sri M. V. RAMA RAO.—It will have to be put to the vote of the House and defeated.

Sri K. HANUMANTHAIYA.—Now, as things stand, 4 percent would be too high and we are not agreeable.

Sri M. V. RAMA RAO.—I have already said that I seek the leave of the House to withdraw the amendment about the rate of interest.

Mr. SPEAKER.—Will the House grant him leave to withdraw his first amendment?

HON'BLE MEMBERS.—Yes.

The first amendment was, by leave, withdrawn.

Sri Kadidal MANJAPPA.—As ragards the second amendment, I have no objection to accept it.

Mr. SPEAKER.—The question is:

'That in Clause 17 (2), for the word "twelve" the word "ten" be substituted wherever it occurs.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That Clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Mr. SPEAKER.—Clauses 18 to 39 both inclusive. The question is :

"That Clauses 18 to 39, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 18 to 39, both inclusive, were added to the Bill.

Mr. SPEAKER.—Schedule.

Sri Kadidal MANJAPPA.—I beg to move :

'That in column 3 of the Schedule, for the figures "50" wherever they occur substitute the figures "40".'

This amendment is necessitated on account of the opposition of several members regarding the compensation payable to inamdars in the case of dry lands. Some of our friends suggest that 50 times the land revenue is too much for dry land. Therefore in this amendment I propose 40 times instead of 50 times.

Mr. SPEAKER.—The question is :

'That in column 3 of the Schedule, for the figures "50" wherever they occur substitute the figures "40".'

The motion was adopted.

Mr. SPEAKER.—The question is :

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule as amended was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The qusetion is :

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Sri R. ANANTARAMAN (Chamarajapet).—I have a new clause.

Mr. SPEAKER.—You should have moved it at the proper time. I understood all the members to say that they were not going to move their amendments. I presumed that you were also one of them.

Sri T. MARIAPPA.—May I, Sir, with your leave request you to kindly re-number 14 as 15 ?

Mr. SPEAKER.—That will be done.

Sri M. V. RAMA RAO.—Probably owing to oversight, in the Hon'ble the Minister's amendment reference is made to Section 16. It may have to be changed to 17.

Sri Kadidal MANJAPPA.—I would like to draw the attention of the Honourable Member to the amendment contained therein to the effect that the existing clause 5 will be re-numbered as clause 6 and so on and the consequential changes will be made.

Sri M. V. RAMA RAO.—Reference in the part that I read out to 'Section 16' is not correct.

Mr. SPEAKER.—That will be corrected.

Motion to pass.

Sri Kadidal MANJAPPA.—Sir, I beg to move :

"That the Mysore (Personal and Miscellaneous) Inams Abolition Bill, 1953 as amended be passed."

Mr. SPEAKER.—The question is :

"That the Mysore (Personal and Miscellaneous) Inams Abolition Bill, 1953 as amended be passed."

The motion was adopted.

(Loud applause from all quarters of the House.)

Sri Kadidal MANJAPPA.—I must thank the Hon'ble Members for their kind co-operation.

Mr. SPEAKER.—Now the next Bill, the Mysore Municipal Laws (Amendment) Bill, 1953, has to be moved for consideration.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, there is another Bill, the Police (Amendment) Bill which takes very little time because it has been previously passed by the House. It may not take more than half-an-hour. We will take up the Municipal Laws Bill after that.

Mr. SPEAKER.—I have no objection.

THE MYSORE POLICE (AMENDMENT) BILL, 1953.

Motion to consider (Continued)

Sri H. SIDDAVEERAPPA (Minister for Industries).—Sir, I am not taking much time of this Hon'ble House. I have already moved in the third Session of this august House on 5th August 1953 that the amendments made to the Mysore Police (Amendment) Bill 1953 by the Legislative Council be taken into consideration. Several Hon'ble Members have offered their suggestions and generally they seem to be of the view that the amendments as passed by the Upper House are not quite in conformity with the object with which this House passed the Bill in the first instance. Sir, I do not wish to take much time of this Hon'ble House. I only pray at this stage that the House may be pleased to give its accord for this motion of mine, namely, that Bill be taken into consideration as amended.

Mr. SPEAKER.—Question is :

"That the amendments made to the Mysore Police (Amendment) Bill, 1953 by the Legislative Council be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Motion moved :

'That the amendment to Clause 2, adopted by the Council namely,—

"INSERTION OF NEW SECTIONS 38-A AND 38-B IN MYSORE ACT V OF 1908.—After Section 38 of the Mysore Police Act, 1908 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely :—

"38-A. *Control of sound or noise.*—(1) Subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, the District Superintendent or the Assistant Superintendent may, if satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or likelihood of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell in the vicinity, by a written order, issue such direction as he may consider necessary to any person for preventing, prohibiting, controlling or regulating the incidence or continuance in or upon any premises or place of—

(*i*) any vocal or instrumental music, or

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound.

(2) Any person aggrieved by an order of the District Superintendent or the Assistant Superintendent under sub-section (1) may appeal to the Magistrate of the First Class having jurisdiction in the area.

38-B. *Licensing use of Loudspeakers, etc.*—(1) Subject to the provisions of section 38-A and subject to the general or special orders of the Magistrate of the First Class having jurisdiction in any area, no person shall use or operate—

(i) in or upon any premises any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or volume as to be audible beyond fifty feet from such premises ;

(ii) in any opne space any loudspeaker or other apparatus for amplifying any musical or other sound, at such pitch or